

BILL NO. R-72-03-04

RESOLUTION NO. R- 14-72

A RESOLUTION authorizing filing of application with the Department of Housing and Urban Development, United States of America for a grant under Public Law 89-117.

WHEREAS, pursuant to Public Law 89-117 the United States of America has authorized the making of grants to public bodies to aid in financing the construction of basic water and sewer projects;

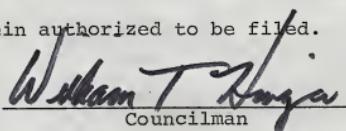
NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That Jerry D. Boswell, Chairman of the Board of Public Works, be and he is hereby authorized to execute and file an application on behalf of the City of Fort Wayne, Indiana, with the Department of Housing and Urban Development, United States Government, for a grant to aid in the financing of "The Harvester Drain Storm Relief System - Grant Number WS-IND-105-36-1001", and an assurance of compliance with the Department of Housing and Urban Development regulations under Title VI of the Civil Rights Act of 1964.

2. That Jerry D. Boswell, Chairman of the Board of Public Works, be and he is hereby authorized and directed to furnish such information as the Department of Housing and Urban Development may reasonably request in connection with the application which is herein authorized to be filed.

APPROVED AS TO FORM
AND LEGALITY,


Robert B. Orr
CITY ATTORNEY


William T. Hargan
Councilman

Read the first time in full and on motion by _____ seconded by _____ and duly adopted, read the second time by title and referred to the Committee on _____ (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____ the _____ day of _____ 19_____, at _____ o'clock P.M., E.S.T.

Date: _____

CITY CLERK

Read the third time in full and on motion by _____ Hinga seconded by Kraus and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES 9, NAYS 0, ABSTAINED _____, ABSENT _____ to-wit:

Burns _____

Hinga ✓ _____

Kraus ✓ _____

Nuckols ✓ _____

Moses ✓ _____

Schmidt, D. ✓ _____

Schmidt, V. ✓ _____

Stier ✓ _____

Talarico ✓ _____

Date 3-14-72

Charles W. Mustermann
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. R-14-72 on the 14th day of March, 19 72.

LAWYER:

(SEAL)

Charles W. Mustermann
CITY CLERK

John D. Nichols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of March, 19 72 - at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Mustermann
CITY CLERK

Approved and signed by me this 15th day of March, 19 72 at the hour of 4:03 o'clock P. m., E.S.T.

Don A. Lebowitz
MAYOR

City of Fort Wayne

Indiana



58-68-6

March 2, 1972

Mr. David B. Keller
1310 Anthony Wayne Bank
Fort Wayne, Indiana

Dear Mr. Keller:

Please prepare an ordinance to be introduced in the Common Council,
Tuesday, March 14, 1972 for the following:

Resolution 58-68-6, authorizing the filing of a Federal Grant application for
the "Harvester Drain Storm Relief System".

Yours truly,

Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS

ajf

Enc. copy of Resolution
Certification for City Clerk

58-68-6

March 2, 1972

Mr. David B. Keller
1310 Anthony Wayne Bank
Fort Wayne, Indiana

Dear Mr. Keller:

Please prepare an ordinance to be introduced in the Common Council,
Tuesday, March 14, 1972 for the following:

Resolution 58-68-6, authorizing the filing of a Federal Grant application for
the "Harvester Drain Storm Relief System".

Yours truly,

Jerry D. Boswell
Ronald L. Bonar
William G. Williams
BOARD OF PUBLIC WORKS

ajf

Enc. copy of Resolution

Date: March 2, 1972

Minute Record 58-68-6

RESOLUTION OF GOVERNING BODY OF APPLICANT

Resolution authorizing filing of application with the Department of Housing and Urban Development, United States of America for a grant under Public Law 89-117.

WHEREAS, pursuant to Public Law 89-117 the United States of America has authorized the making of grants to public bodies to aid in financing the construction of basic water and sewer projects;

NOW THEREFORE, BE IT RESOLVED by the Board of Public Works of Fort Wayne, Indiana:

1. That Jerry D. Boswell, Chairman of the Board of Public Works, be and he is hereby authorized to execute and file an application on behalf of the City of Fort Wayne, Indiana, with the Department of Housing and Urban Development, United States Government, for a grant to aid in the financing of "The Harvester Drain Storm Relief System - Grant Number WS-IND-105-36-1001", and an assurance of compliance with the Department of Housing and Urban Development regulations under Title VI of the Civil Rights Act of 1964.
2. That Jerry D. Boswell, Chairman of the Board of Public Works, be and he is hereby authorized and directed to furnish such information as the Department of Housing and Urban Development may reasonably request in connection with the application which is herein authorized to be filed.

J. D. Boswell
Ronald L. Banas
John J. McLean
BOARD OF PUBLIC WORKS OF
FORT WAYNE, INDIANA

ATTEST:

Edua A. Smith
Clerk

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RESOLUTION OF GOVERNING BODY OF APPLICANT

Resolution No. 58-68-6

Project No. _____

(For HUD Use)

Resolution authorizing filing of application with the Department of Housing and Urban Development, United States of America, for a grant under P.L. 89-117.

WHEREAS, pursuant to P.L. 89-117 the United States of America has authorized the making of grants to public bodies to aid in financing the construction of basic water and sewer projects:

Now Therefore, Be It Resolved By Common Council, City of Ft. Wayne, Indiana
(Governing Board of Applicant)

1. That Dr. Jerry D. Boswell
(Designated Official) be and he is hereby authorized to execute and file an application on behalf of City of Ft. Wayne, Indiana with the (Exact Legal (Corporate) Name of Applicant) Department of Housing and Urban Development, United States Government, for a grant to aid in financing the construction of The Harvester Drain Storm Relief System (Brief Project Description), and an assurance of compliance with the Department of Housing and Urban Development regulations under Title VI of the Civil Rights Act of 1964.
2. That Dr. Jerry D. Boswell
(Name of Authorized Representative) Chairman, Board of Public Works be and (Title) he is hereby authorized and directed to furnish such information as the Department of Housing and Urban Development may reasonably request in connection with the application which is herein authorized to be filed.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting City Clerk
(Title of Officer) of the City of Ft. Wayne, Indiana
(Exact Legal (Corporate) Name of Applicant) does hereby certify: that the attached resolution is a true and correct copy of the resolution, authorizing the filing of application with the Department of Housing and Urban Development, as regularly adopted at a legally convened meeting of the Common Council, City of Ft. Wayne (Name of Governing Body of Applicant) duly held on the _____ day of _____, 19____; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In Witness Whereof, I have hereunto set my hand this _____ day of _____, 19____.

If the Applicant has an official seal, impress here.

Signature of Recording Officer

City Clerk

Title of Recording Officer

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WATER AND SEWER FACILITIES GRANT PROGRAM

OPINION OF COUNSEL

City of Fort Wayne, an

(Name of Applicant)

Indiana Municipal Corporation

1 Main Street Fort Wayne, Ind. 46802

(Address and ZIP Code of Applicant)

Dear Mr. Havens : (Director, Operations Division)

I am an attorney-at-law admitted to practice in the State of Indiana.

I have examined your application for a grant under Section 702 of the Housing Act of 1965, as amended, /42 U.S.C. 3102/ whereby assistance is requested to develop and construct adequate basic Water and Sewer facilities.

I have also reviewed all pertinent Federal, State, and local laws, including local charter provisions, and particularly Sections Indiana State 61-1301 et seq. of the (State or local code), which establish the (Applicant) as a public body, empower it to receive and expend Federal, State, and local funds, and empower it to contract with the United States of America for the purpose of receiving a grant under Section 702 of the Housing Act of 1965, as amended.

I have made appropriate inquiry and am satisfied that there is not pending or threatened litigation in either State or Federal Courts which (a) challenges your authority to construct the project as set forth in the application, or (b) might jeopardize the successful completion and operation of such project, or (c) challenges your authority to contract with the Federal Government for the purpose of receiving a grant under 42 U.S.C. 3102 (except as follows:) 1/

Based upon the foregoing, it is my opinion that the (Applicant) is a public body empowered to receive and expend Federal, State, and local funds, to contract with the United States of America for the purpose of receiving a grant under Section 702 of the Housing Act of 1965, as amended, and to undertake and complete the proposed development and construction of the facility in the above referenced application. Upon completion of the facility, the (Applicant's) interest(s) will be free and clear of any restrictions which would interfere with the operation of the water or sewer facilities.

John H. Logan
(Signature of Applicant's Counsel)
Assistant City Attorney, Fort Wayne
an Indiana Municipal Corporation.

1/ If there are any exceptions, explain exceptions fully, giving appropriate citations.